

FILED  
2ND JUDICIAL DISTRICT COURT  
Bernalillo County  
10/21/2022 4:37 PM  
CLERK OF THE COURT  
Andrea Serna

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

No. D202CR 2022 0 2 4 5 0

IFB: IFB22-0098

DA#: N/A

EXHIBIT A

STATE OF NEW MEXICO,

Plaintiff,  
vs. **JENNIFER WERNERSBACH**

WILLIAM GARDNER,

Defendant.

**CRIMES CHARGED**

PRACTICING DENTISTRY WITHOUT A LICENSE (2807)

**GRAND JURY INDICTMENT**

THE GRAND JURY CHARGES:

COUNT 1: PRACTICING DENTISTRY WITHOUT A LICENSE (2807)

That on or about the 25th day of July, 2022, in Bernalillo County, State of New Mexico, the above-named defendant practiced or attempted to practice dentistry without first complying with the provisions of the Dental Health Care Act and/or without being the holder of a license entitling the practitioner to practice dentistry in New Mexico, a fourth degree felony, contrary to §61-05A-18(A)(2003).

The names of the witnesses upon whose testimony this Indictment is based are as follows:

OSI Alex Montoya

I hereby certify that the foregoing Indictment is a True Bill.

Foreman  
Date:

10/21/22

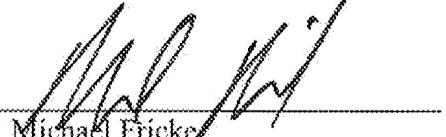
APPROVED:

State vs. WILLIAM GARDNER,  
GRAND JURY INDICTMENT

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RUSSELL TOAL  
SUPERINTENDENT OF INSURANCE

By:

  
Michael Fricke  
Special Prosecutor  
6200 Uptown Boulevard NE Ste. 130,  
Albuquerque, NM 87110  
[Michael.Fricke2@state.nm.us](mailto:Michael.Fricke2@state.nm.us)  
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GRAND JURY INDICTMENT

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**CASE INFORMATION**

IFB: IFB22-0098

DA FILE#: N/A

MET.CT.#: N/A

LEA/RPT#: OSI/#2023-0012-08

PROSECUTOR: Michael Fricke

Special Prosecutor

6200 Uptown Boulevard NE Ste. 130,

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Michael.Fricke2@state.nm.us

(505) 819-7250

DOB: 12/09/1969

SS#: 585-51-0735

ADD: 5533 Via Conejo NE, Albuquerque, NM 87111 / 8200 Carmel Avenue NE, Ste. 101,  
Albuquerque, NM 87112

BOOKING/ARREST DATE: N/A

BOOKING/ARREST#: N/A

STN: N/A

DEF.ATTY: Patrick Martinez, 1012 Lomas Blvd NW, Albuquerque, NM 87102,  
[PJMlawfirm@gmail.com](mailto:PJMlawfirm@gmail.com)

**PHYSICAL DESCRIPTION OF DEFENDANT:**

Height: 6'4"

Weight: 185 lbs

Race: Brown

Eye Color: Brown

Hair Color: Black

Other: N/A

leb

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**PENALTIES**

**Count 1: Practicing Dentistry Without a License (2807): 4th Degree Felony:** Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

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**4th Degree Felony:** Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

**1st Degree Felony:** Basic sentence of 18 years imprisonment and not more than \$15,000 fine.

**USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE):** Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.

**USE OF HATE CRIME ENHANCEMENT:** Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.

**Misdemeanor:** Less than 1 year in the County Jail and/or not more than \$1,000 fine.

**Petty Misdemeanor:** Not more than 6 months in the County Jail and/or not more than \$500 fine.

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**Penalty for Driving While Under the Influence, Felony Offense:(4th or Subsequent Offense):** Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months.

**Penalty for Driving While Under the Influence - Misdemeanor:** If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

**Penalty for Driving While License Suspended or Revoked:** Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

**Penalty for Reckless Driving:** Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.

**Penalty for Traffic Code Misdemeanor:** fine of not more than \$300 or imprisonment for not more than 90 days or both.

**Penalty Assessment Misdemeanor:** See Schedule in Traffic Code, Section 66-8-116.

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**1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12):** Life imprisonment.

**2nd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**2nd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

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**OPEN CHARGE OF MURDER**

**Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY:** Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Life Imprisonment